# STATE OF MICHIGAN

# COURT OF APPEALS

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In the Matter of ROSIE SHAI-LINDA KITCHINGS, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SHERIE MARIE MILLER,

Respondent-Appellant,

and

ROBERT KITCHINGS,

Respondent.

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UNPUBLISHED
August 10, 1999

No. 214647
Wayne Circuit Court
Family Division
LC No. 96-338496

Before: Sawyer, P.J., and Holbrook, Jr., and W. E. Collette,* JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from a family court order terminating her parental rights to the minor child under MCL 712A.19b(3)(b)(i), (b)(ii), (c)(i), (g), and (j); MSA 27.3178(598.19b)(3)(b)(i), (b)(ii), (c)(i), (g), and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Initially, we note that respondent-appellant did not seek judicial review of the referee's recommendation to terminate parental rights pursuant to MCR 5.991. As for respondent-appellant's argument that the referee should have sua sponte disqualified himself, we note that her reliance on MCR 2.003 is misplaced. MCR 2.003 does not apply to referees, and we are not persuaded that respondent-appellant has demonstrated that her parental rights were terminated in violation of due

* Circuit judge, sitting on the Court of Appeals by assignment.

process impartially requirements. *Cain v Dep't of Corrections*, 451 Mich 470; 548 NW2d 210 (1996). We are likewise unpersuaded that a statutory ground for termination could not be proven under the reasoning applied in *In re Newman*, 189 Mich App 61; 472 NW2d 38 (1991).

After reviewing the record, we conclude that the referee did not clearly err in finding that §§ 19b(3)(c)(i), (g) and (j) were established by clear and convincing evidence. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Because only one statutory ground is required to terminate parental rights, *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991), it is unnecessary to determine whether termination was also warranted under §§ 19b(3)(b)(i) and (b)(ii). Further, the court did not err in finding that the presumption in favor of termination thereby raised was not overcome by a showing that termination of respondent-appellant's parental rights "is clearly not in the child's best interests." MCL 712A.19b(5); MSA 27.3178(598.19b)(5). Accord *In re Huisman*, 230 Mich App 372, 385; 584 NW2d 349 (1998). Therefore, we hold that the juvenile court did not err in terminating respondent-appellant's parental rights. *In re Hall-Smith*, 222 Mich App 470, 473; 564 NW2d 156 (1997). Petitioner's request for relief under MCR 7.215(E) is denied.

Affirmed.

/s/ David H. Sawyer
/s/ Donald E. Holbrook, Jr.
/s/ William E. Collette